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In re Application of :  
AEBI et al. :  
Application No.: 10/538,542 :  
PCT No.: PCT/CH02/000706 :  
Int. Filing: 17 December 2002 :  
Priority Date: None :  
Attorney Docket No.: LUS-16099 :  
For: INTERVERTEBRAL IMPLANT :  
COMPRISING . . . A UNIVERSAL :  
JOINT :

DECISION ON PETITION

This decision is in response to applicants' "Renewed Petition under 1.137(b)" filed 08 January 2007 which is being treated as a renewed petition under 37 CFR 1.47(a) and 37 CFR 1.137(b).

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 08 January 2007 with the present renewed petition was executed by the named inventor, the previous nonsigning inventor, Max Aebi. The declaration filed 08 January 2007 is acceptable under 37 CFR 1.497. For the reasons above, the renewed petition under 37 CFR 1.47(a) is dismissed as moot.

As to the petition under 37 CFR 1.137(b), applicants' statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have submitted an executed declaration and power of attorney and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. The petition under 37 CFR 1.137(b) is GRANTED.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision. The application has an international filing date of 17 December 2002 under 35 U.S.C. 363 and a date of 08 January 2007 under 35 U.S.C. 371(c).

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